

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY, an
Indiana corporation, and ACE
AMERICAN INSURANCE COMPANY,
a Pennsylvania corporation,

Defendants.

**MEMORANDUM OF LAW IN
SUPPORT OF DEFENDANTS'
MOTION FOR LEAVE TO FILE
AMENDED ANSWER**

INTRODUCTION

Defendants Federal Insurance Company and ACE American Insurance Company (collectively, “Federal”) seek leave to file an Amended Answer adding applicable statutes of limitations as affirmative defenses. These defenses apply to FICO’s breach of contract and copyright claims alleging that Federal and its affiliates used and installed the Blaze Advisor software outside of the United States.

Federal can show “good cause” under Federal Rule of Civil Procedure 16 for this amendment because it was notified on July 26, 2019 in FICO’s Motion for Summary Judgment that FICO is seeking damages for claims barred by these statutes of limitations. (Dkt. No. 398.) Additionally, FICO will not be prejudiced by this amendment because it has already taken complete discovery on the facts relevant to these defenses and because it cannot change the relevant facts (installation dates) even with additional discovery. In fact, it is Federal that will be prejudiced if it is not permitted to assert its statutes of